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Eliot Ganyon, M.D., Andrea Pozez, M.D.,
John C. Hogan, M.D., and Michael Aboutanos, M.D.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID LION,

Plaintiff,

v.

VCU HEALTH SYSTEM, MCU HOSPITALS
& PHYSICIANS d/b/a VCU MEDICAL
CENTER, et al.,

Defendants.

Case Number: 07 CV 3129 (SCR)

**NOTICE OF MOTION
TO DISMISS COMPLAINT**

PLEASE TAKE NOTICE that upon the annexed June 15, 2007 Declaration of Michael T. Conway, the Exhibits annexed thereto, the accompanying memorandum of law and upon all the pleadings and proceedings heretofore had herein, Defendants VCU Health System, MCU Hospitals & Physicians d/b/a VCU Medical Center, John M. Kellum, M.D., Aaron Scott, M.D., Mark Willis, M.D., Norman Bordman, M.D., Eliot Ganyon, M.D., Andrea Pozez, M.D., John C. Hogan, M.D., and Michael Aboutanos, M.D. ("Defendants") by and through their undersigned counsel, will move this Court in Courtroom 621 of the Courthouse, located at 300 Quarropas St., White Plains, New York 10601, at a date and time to be determined, for an Order pursuant to Fed. R. Civ. P. Rule 12(b)(1), 12(b)(2), 12(b)(3) and 12(b)(6), for the dismissal of the Complaint filed by Plaintiff David Lion.

This motion is based on lack of subject matter jurisdiction, lack of personal jurisdiction, improper venue and the failure of Plaintiff's Complaint to state a claim on which relief can be granted. The factual and legal bases for this motion are more fully set forth in the accompanying memorandum of law.

Dated: New York, New York
June 15, 2007

LECLAIR RYAN, a Professional Corporation

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